



**US Army Corps
of Engineers**
Portland District

PUBLIC NOTICE

for PERMIT APPLICATION

Issue Date: June 3, 2003

Expiration Date: June 19, 2003

Corps of Engineers Action ID: 2002-00889

Oregon Division of State Lands Number: 26227-NSP

15-Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
ATTN: CENWP-OP-GP (Mr. John W. Barco)
P.O. Box 2946
Portland, Oregon 97208-2946

Applicant: Ron Vandercoevering
11607 Baron Road
Mt. Angel, Oregon 97362

Location: Unnamed tributary to Rock Creek, Section 27, Township 5 South, Range 1 East, near Monitor, Clackamas County, Oregon.

Project Description: The proposed project is to impound water by constructing an earthen berm across an unnamed tributary to Rock Creek to provide water for agricultural irrigation. Construction of the earthen berm will directly impact 0.45 acre of waters of the United States (U.S.). In addition to the direct impacts associated with the dam construction, the proposed impoundment (approximately 5 acres) will impact 2.85 acres of palustrine forested wetlands that are considered jurisdictional waters of the U.S.

The applicant has submitted a proposed mitigation plan that entails the creation of 3.99 acres of palustrine forested, scrub shrub, and emergent wetlands on-site (see Project Drawings). Although the applicant has submitted a proposed mitigation plan, the U.S. Army Corps of Engineers shall make the final determination on what is appropriate and practicable mitigation.

Purpose: The purpose of this project is to store water for agricultural irrigation during the dry season. This project was originally advertised in a Public Notice dated October 23, 2002. The

original Public Notice did not identify that 0.14 acre of impact had occurred in waters of the U.S. that would require a permit under the authority of Section 404 of the Clean Water Act (33 U.S.C. 1344). The unauthorized impacts have been incorporated into the proposed project.

Drawings: There are six drawings labeled: (COE # 200200889)

Additional Information: Additional information may be obtained from Mr. John W. Barco, Project Manager, U.S. Army Corps of Engineers at (503) 808-4385.

Authority: This permit will be issued or denied under the following:

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

Section 404(b)(1) Evaluation: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Endangered Species: Preliminary determinations indicate that the described activity will not affect endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation under Section 7 of the Act is not required for the described activity.

Cultural Resources: The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to the State Historic Preservation Office.

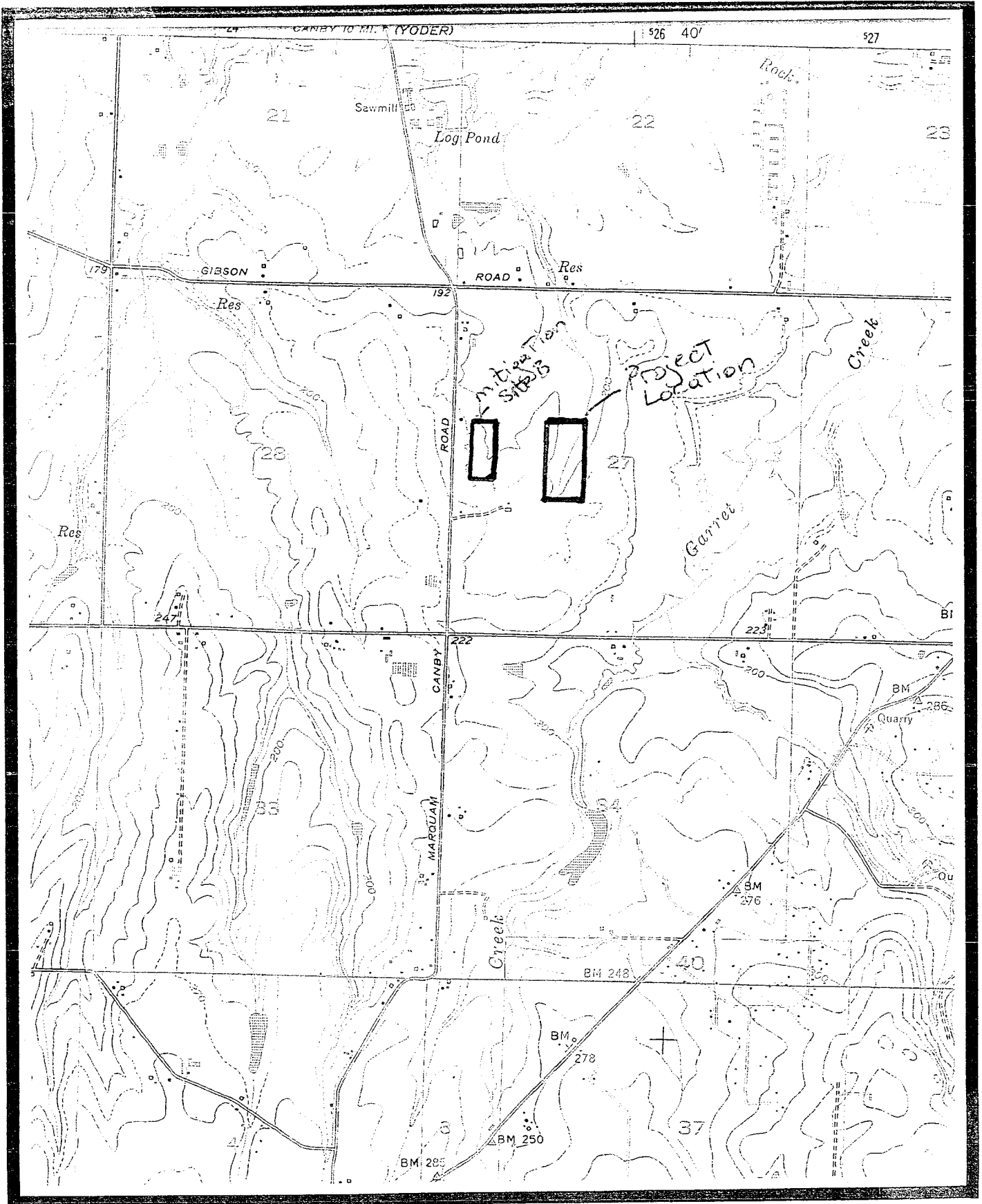
Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof;

among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal.

To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.



FERNWOOD ENVIRONMENTAL
SERVICES, INC.
MICHAEL ROTSOLK
503-581-6887 / CELL 503-871-5793

(COE # 200200889)

VICINITY MAP

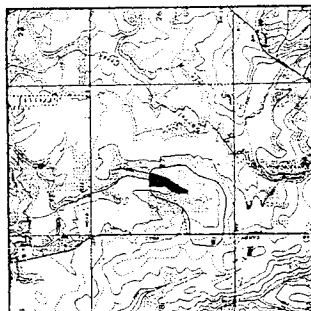
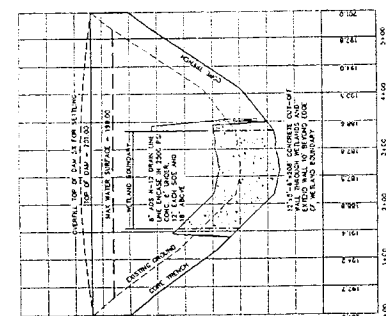
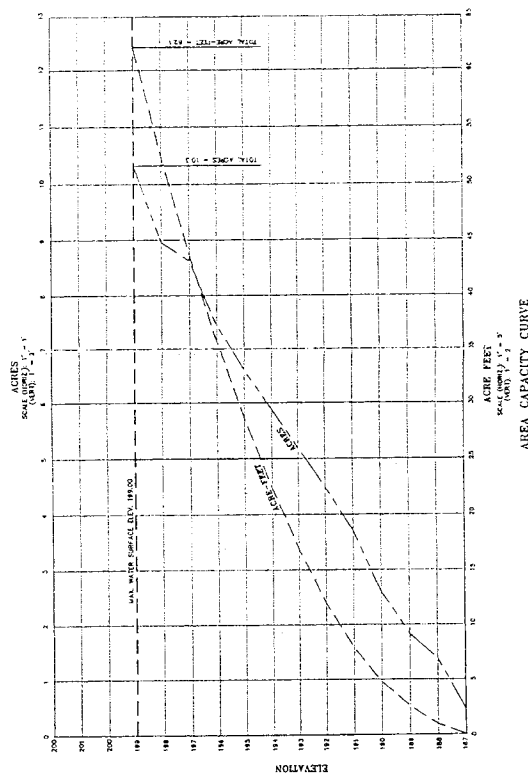
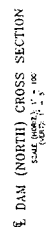
SPILLWAY CROSS SECTION

PLAN VIEW

MARQUAM - CANBY ROAD (MARKET RD. NO. 10)

1914

U.S. ARMY CORPS OF ENGINEERS

[illegible]

AREA CAPACITY CURVE

PROPERTY OWNER: GERALD L. JAMES

RON VANDECOEVERING

RESERVOIR DETAILS

Date: MAY 30 2002	Reviewed:
CLARKSON COMPANY, INC.	

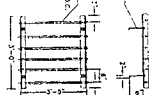
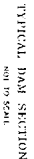
Coatwright Engineering, Inc. Job No. _____

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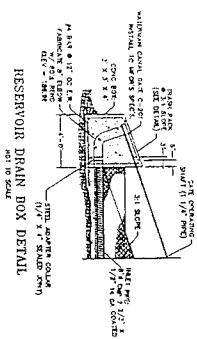
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(COE # 200200889)

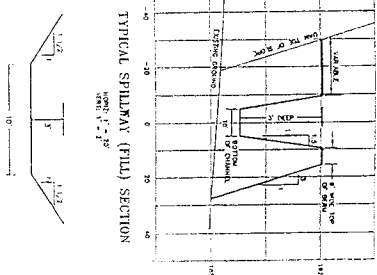
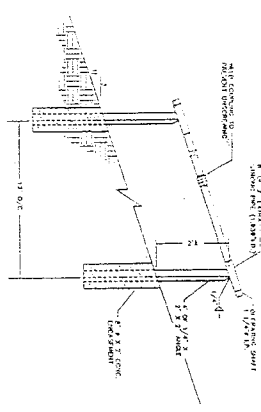
PLAN VIEW
SCALE: 1" = 100'

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DRAIN BOX TRASH PACK DETAIL
 NOT TO SCALE



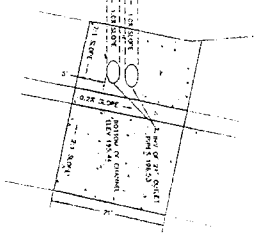
RESERVOIR DRAIN BOX DETAIL
NOT TO SCALE

TYPICAL SPILLWAY (CUT) SECTION
NOT TO SCALE

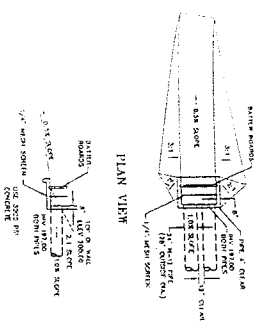
SLUICE GATE OPERATING SHAFT SUPPORT
DETAIL, 6" 12" MAX O/C
NOT TO SCALE



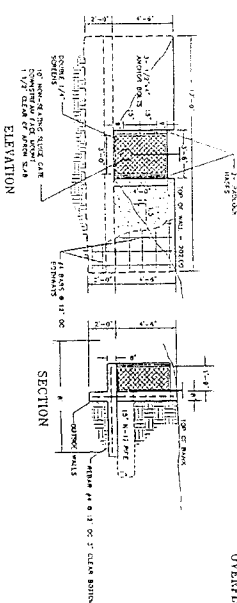
OVERFLOW OUTLET/
NOT TO SCALE BYPASS CHANNEL JUNCTION



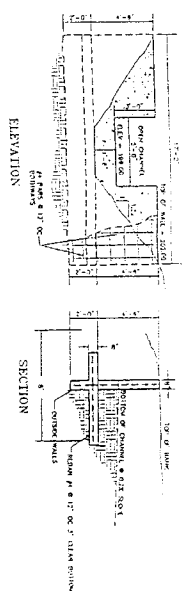
OVERFLOW OUTLET STRUCTURE
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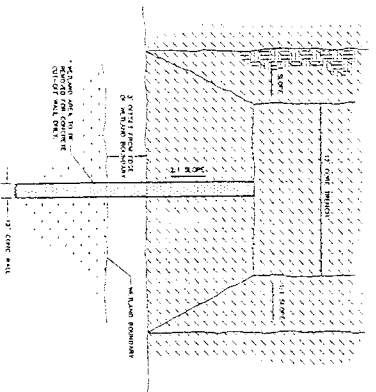
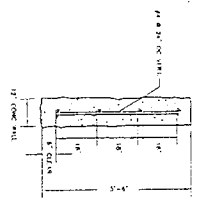
PLAN VIEW



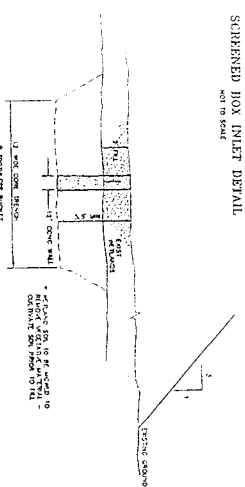
SCREENED BOX INLET DETAIL
NOT TO SCALE




RESERVOIR DIVERSION/ BYPASS CHANNEL DETAIL
NOT TO SCALE

WETLANDS IMPACT AREA (TYPICAL)
PLAN VIEW

MTLANDS WALL, DETAIL
SCALE: 1" = 2'



NETLANDS IMPACT AREA (TYPICAL)
CROSS SECTION
SCALE: 1" = 4'

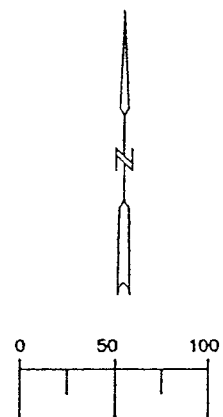
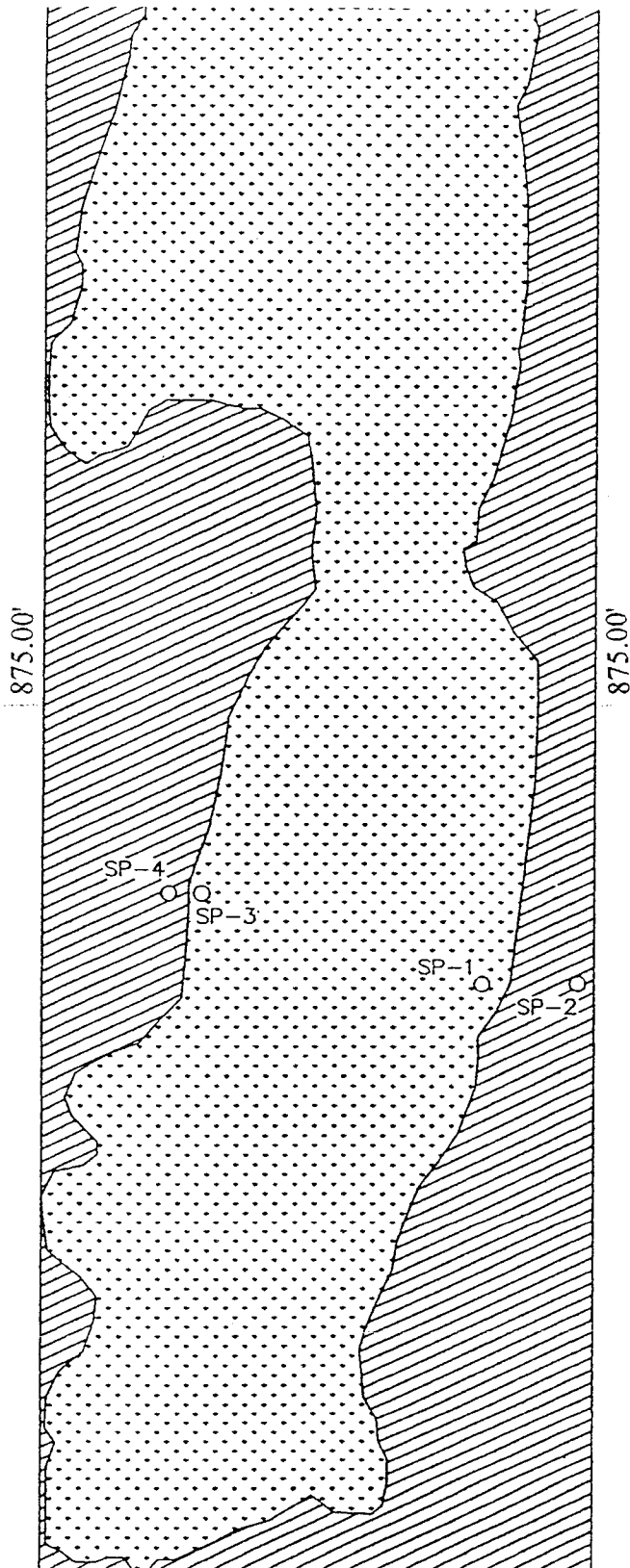
		PROFESSIONAL COMPANY: GERALD E. JAMES	
RON VANDECOEVERING		RESERVOIR DETAILS	
102 E. COV. AVE. #4 HOUSTON, TEXAS 77002		100000 GALS. CAP. (GROSS) 90000 GALS. CAP. (NET)	
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DATE: MAY 29, 2002		2nd FLOOR	
PROJECT: NEW			

MARQUAM - CANBY ROAD (MARKET RD. NO. 10)



OFFICE: (503) 581-6887 CELL: (503) 871-5793

WETLAND STUDY FOR THE PROPERTY DESCRIBED IN
BOOK 65, PAGE 263, CLACKAMAS COUNTY DEED RECORDS
SITUATED IN SECTION 27, TOWNSHIP 5 SOUTH,
RANGE 1 EAST, WILLAMETTE MERIDIAN,
CLACKAMAS COUNTY, OREGON



SCALE: 1" = 100'
 SEPTEMBER 13, 2002
 REV. NOV. 14, 2002

-  WETLAND
3.58 ACRES
-  WETLAND MITIGATION/ CREATION AREA
2.40 ACRES

FERNWOOD ENVIRONMENTAL
 SERVICES

920 JEFFERSON STREET N.E.
 SALEM, OREGON 97301

OFFICE: (503) 581-6887 CELL: (503) 871-5793

COMPENSATORY MITIGATION SITE PLAN (Area B)

WETLAND STUDY FOR THE PROPERTY DESCRIBED IN
 BOOK 65, PAGE 263, CLACKAMAS COUNTY DEED RECORDS.
 SITUATED IN SECTION 27, TOWNSHIP 5 SOUTH,
 RANGE 1 EAST, WILLAMETTE MERIDIAN,
 CLACKAMAS COUNTY, OREGON

300.00' (COE # 200200889)

Planting Specifications for On-Site Wetland Mitigation

Species	Height of Plant Material	Spacing	Quantity
<i>Fraxinus latifolia</i>	2-6'	20'	160
<i>Cornus stolonifera</i>	2-3'	15'	220
<i>Rosa nutkana</i>	12-24"	3-5'	180
<i>Symphoricarpos albus</i>	1-4'	4+	160
<i>Physocarpus capitatus</i>	1-3'	3+	180
<i>Acer circinatum</i>	1-6'	6+	140
<i>Salix spp.</i>	1-3'	2+	300
<i>Crataegus spp.</i>	1-4'	12+	160
<i>Carex obnupta</i>	plugs/sprigs	12-18"	1500
<i>Juncus effusus</i>	plugs/sprigs	12-18"	1500
<i>Festuca arundinacea</i> (20%), <i>Agrostis alba</i> (15%), <i>Poa trivialis</i> (20%), <i>Lolium perenne</i> (15%), <i>Alopecurus pratensis</i> (15%), <i>Agropyron trachycaulum</i> (15%)	Seed	15#/acre	50lbs

(COE # 200200889)

PUBLIC NOTICE
Oregon Department of Environmental Quality
Water Quality 401 Certification

Corps of Engineers Action ID Number: 2002-00889
Oregon Division of State Lands Number: 26227-NSP

Notice Issued: June 3, 2003
Written Comments Due: June 19, 2003

WHO IS THE APPLICANT: Ron Vandercoevering

LOCATION OF CERTIFICATION ACTIVITY: See attached U.S. Army Corps of Engineers public notice

WHAT IS PROPOSED: See attached U.S. Army Corps of Engineers public notice on the proposed project
NEED FOR CERTIFICATION: Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

DESCRIPTION OF DISCHARGES: See attached U.S. Army Corps of Engineers public notice on the proposed project

WHERE TO FIND DOCUMENTS: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. 6th Avenue, Portland, Oregon 97204

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator, (503) 229-5845 or toll free within Oregon at 1-800-452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

Written comments:

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on (full date). Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. 6th Avenue, Portland, Oregon 97204. ***People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.*** People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format. Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

ACCESSIBILITY INFORMATION: This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at (503) 229-5766 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.

PUBLIC NOTICE
OREGON COASTAL MANAGEMENT PROGRAM
CONSISTENCY CERTIFICATION

Date: June 3, 2003

Corps of Engineers Action ID Number: 2002-00889
Oregon Division of State Lands Number: 26227-NSP

Notification

For projects subject to coastal zone review, notice is hereby given that the project is being reviewed by the Department of Land Conservation and Development (DLCD) as provided in Section 307(c) of the Coastal Zone Management Act. The applicant believes that the activities described in the attached materials would comply with and be conducted in a manner consistent with the Oregon Coastal Management Program. Project information can be made available for inspection at DLCD's Salem office.

DLCD is hereby soliciting public comments on the proposed project's consistency with the Oregon Coastal Management Program. Written comments may be submitted to DLCD, 635 Capital St. NE, Suite 200, Salem, OR 97301-2540, attention consistency review specialist. Any comments must be received by DLCD on or before the comment deadline listed in the federal notice. For further information, you may call DLCD at (503) 373-0050, ext. 250.

REVIEW CRITERIA

Comments should address consistency with the applicable elements of the Oregon Coastal Management Program. These elements include:

- Acknowledged Local Comprehensive Plans & Implementing Ordinances
- Statewide Planning Goals
- Applicable State Authorities (e.g. Removal-Fill Law and Oregon Water Quality Standards)

INCONSISTENT?

If you believe this project is inconsistent with the Oregon Coastal Management Program, your comments to DLCD should explain why you believe the project is inconsistent and should identify the Oregon Coastal Management Program element(s) in question. You should also describe how the project could be modified, if possible, to make it consistent with the Oregon Coastal Management Program.